

## Substance of Proposed Rules

### Amendments

Chapter 1220-4-2 Regulations for telecommunications service providers is amended by deleting Rules 1220-4-2 -.01 through .42 of the chapter in their entirety and substituting the following new rules:

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1220-4-2-.01 Definitions for the purpose of these rules

- (1) “Applicant” means a person requesting telephone service through Lifeline or Link-up.
- (2) “Authority” or “TRA” means the Tennessee Regulatory Authority.

- (3) “Carrier of Last Resort Obligations” means the requirements imposed by order of the Authority pursuant to Tenn. Code Ann. § 65-5-207(a) to provide services that are supported by federal and/or state universal service support mechanisms to an unserved person within the telecommunications service provider’s authorized serving area that requests such services.
- (4) “Customer” means any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with telephone service by a telecommunications service provider.
- (5) “ETC” means an eligible telecommunications carrier as designated by the Authority as qualified to receive state or federal universal service support for a service area specified by the Authority or the Federal Communications Commission.
- (6) “Exchange” means a specified area established and set forth in its approved tariffs by a telecommunications service provider of local service that is used for the administration of telephone service and usually embraces a city, town or village and its environs. An exchange consists of one or more central offices together with associated plant used in the furnishing of telecommunication services within that area.
- (7) “Incumbent Local Exchange Telephone Company” means a public utility offering and providing local service as defined by Tenn. Code Ann. § 65-5-208(a)(1) pursuant to tariffs approved by the Tennessee Public Service Commission prior to June 6, 1995.
- (8) “Lifeline” means a telephone assistance program whereby qualified households may obtain a credit on their monthly bill for local service upon the applicant meeting certain income-based criteria.
- (9) “Link-up” means a telephone assistance program whereby qualified households may obtain a credit on the one-time charge for the installation or the transferring of telephone service upon meeting certain income-based criteria.
- (10) “Local Number Portability” or “LNP” means the ability of customers to retain, at the same location, existing local telephone numbers without impairment of quality, reliability, or convenience when changing from one telecommunications carrier to another.
- (11) “Local Service” means basic local exchange telephone service as defined in Tenn. Code Ann. § 65-5-208(a)(1).

- (12) "Peak-Traffic Hour" means the period of the day during which the greatest volume of traffic is handled in a telephone central office.
- (13) "Primary Service" means the initial provisioning of dialtone for any telephone line.
- (14) "Quality Service Mechanism" or "QSM" means a measurable standard for ETCs relative to the timely provisioning of quality telephone services, violation of which by repeatedly failing to provide such quality telephone service within a reasonable timeframe automatically mandates credits to ETC customers within an affected exchange.
- (15) "Repeat Trouble Report" means any oral or written report from a customer relating to a physical defect, problem or dissatisfaction with the operations of telephone facilities, which is reported within thirty (30) days of the customer's service provider having resolved a prior trouble report filed by a customer with regard to the same telephone facilities. If the cause of the trouble report is separate and distinct from the cause of the prior trouble report, the subsequent trouble report shall not be deemed to be a "Repeat Trouble Report."
- (16) "Reseller" means a telecommunications service provider which purchases telecommunications services from another telecommunications service provider for the purposes of reselling telecommunications services to the public.
- (17) "Service Area" means the geographic area in which a provider of local service provides telecommunications services within the State of Tennessee.
- (18) "Soft Dialtone" means local service limited to access to emergency 911 service.
- (19) "Tariff" means the entire body of rates, tolls, charges, classifications and terms of a telecommunications service provider filed with and approved by the Authority.
- (20) "Telecommunications Service Provider" means any provider of telecommunications service as defined in Tenn. Code Ann. §65-4-101(c) and includes, but is not limited to, incumbent local exchange telephone companies, competitive telecommunications service providers, interexchange carriers and resellers.
- (21) "Telephone Assistance Program" means Lifeline or Link -up.

- (22) “Trouble Report” means any oral or written notification from a customer relating to a physical defect, problem or dissatisfaction with the operations of telephone facilities. One report shall be counted for each oral or written trouble report received except to the extent it duplicates a previous report or merely involves an inquiry concerning progress on a previous report.
- (23) “Underlying Carrier” means the telecommunications service provider supplying the telecommunications services that a reseller of local service or long distance service provides to the public or supplying unbundled network elements, as defined by the Telecommunications Act of 1996 and regulations of the Federal Communications Commission, to a provider of local service to the public.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-101, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-208, 65-5-207, 65-21-114.

#### 1220-4-2-.02                    Scope of Regulations

The purpose of this Chapter is to promulgate minimum quality of service standards and general regulations for all telecommunications service providers. These regulations are intended to ensure that telecommunications customers in Tennessee have access to quality telephone services in an emerging competitive telecommunications environment. This Chapter intends to balance Tennessee’s policy of promoting competition in the telecommunications sector with the service quality expectations and privacy concerns of its citizens.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.03                    Records and Reports

- (1) Location of Records.

Unless otherwise authorized by the Authority, all records of telecommunications service providers required by this Chapter or any other Authority rule shall be kept within the State or shall be made available to the Authority or its authorized representative upon request at no cost in either paper or electronic form. If out-of-state travel is required by the Authority to view such records, the telecommunications service provider shall reimburse the Authority for reasonable travel expenses.

(2) Retention of Records

Telecommunications service providers shall maintain sufficient records necessary to verify and substantiate all requirements of this Chapter. These records include, but are not limited to: trouble reports, service orders, itemized customer billing records, customer deposits and customer complaints. All records required by this Chapter shall be retained for a period of two (2) years unless otherwise ordered by the Authority.

(3) Out-of-Service Report

Each telecommunications service provider offering local service is required to provide to the Authority a paper or electronic report regarding any disruption of service when 1000 or more customers lose service within an exchange for more than four (4) hours. Such out-of-service report shall be submitted to the Authority within thirty (30) days of the incident and shall describe the disruption, the number of customers affected, and what actions the telecommunications service provider has taken to prevent a similar disruption of service from occurring again.

(4) Tariffs

- (a) Each telecommunications service provider shall file with the Authority tariffs that set forth the rates, terms and conditions under which services will be provided as prescribed in Chapter 1220-4-1.
- (b) Each telecommunications service provider shall make a copy of its state -approved tariffs available for public inspection at its business offices during regular business hours. Public inspection shall include, but is not limited to, having a copy of the tariffs available on the Internet.

(5) Exchange Maps

Each incumbent local exchange telephone company shall file with the Authority an exchange area map for each of its exchanges within the state clearly showing the boundary lines in sufficient detail to locate the exchange service area in the field. Other providers of local service shall provide to the Authority, upon request, information in sufficient detail to allow the Authority to locate its service area in the field.

(6) Wireline Reports

In order to allow the Authority to monitor the evolution of local competition within Tennessee, each telecommunications service provider shall provide to the Authority a summary of its wireline activity within the State in a format and schedule established by the Authority until the Authority deems such summary unnecessary.

(7) Telephone Number Utilization Reports

Each telecommunications service provider assigned number resources shall provide telephone number utilization data to the Authority on the forms provided by the Authority, as authorized by the Federal Communications Commission.

(8) Service Reports

Each telecommunications service provider shall furnish to the Authority the results of any tests, summaries or records or any other information at such time and in such form as the Authority may require.

(9) Adequacy of Service Reports

Each ETC shall submit to the Authority quarterly reports in a format established by the Authority to demonstrate the ETC's compliance with the service standards set forth in 1220-4-2-.16. The reports shall be itemized by month by either local exchanges or business office basis. The Authority may conduct periodic audits or require all ETC to hire an independent firm to verify the accuracy of service standard reporting.

(10) Service Trouble Reports

Each telecommunications service provider shall maintain an accurate record of trouble and repeat trouble reports made by its customers. The record shall include the customer's name, the time, date and nature of the trouble along with the action taken by the telecommunications service provider to resolve the trouble or satisfy the complaint. These records

shall be made available to the Authority or its authorized representative upon request.

(11) Miscellaneous Reports

Upon reasonable notice, a telecommunications service provider shall provide any other report or request for data ordered by the Authority or requested by the Executive Secretary's office.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.04            Customer Refunds for Service Outages and Delayed Installation of New Local Service

- (1) In the event a customer's local service is disrupted and service is not restored within thirty (30) hours from the time of the report, the following adjustments or credits shall be issued to the affected customer by the telecommunications service provider:
  - (a) If a disruption in service is caused by acts of God, or acts of a third party who are neither owned or controlled or contracted by the telecommunications service provider, the customer's bill shall be adjusted, upon the filing of a complaint by the affected customer, on a prorated basis within two billing cycles of the date of disruption for the time the service is out.
  - (b) No adjustment shall be required if the local service outage is caused by the negligence or willful act of the customer.
  - (c) If a disruption in service is caused by any other reason not mentioned in 1220-4-2-.04(1)(a) or (b), the customer's bills shall be adjusted, within two billing cycles of the date of interruption \$5.00 per day until the service is restored, unless a larger credit is allowed under the telecommunications service provider's approved tariffs. Such credit shall not exceed \$50.00 for any one (1) month.
- (2) A telecommunications service provider shall waive normal installation charges for its customers if it fails to install local service on the committed date. Normal installation charges do not include charges for work such as wiring inside the customer's residence or business. No waiver of installation charges is required if the failure to meet the commitment date is caused by acts of God, or the customer, or acts of a third party who are neither owned or controlled or contacted by the telecommunications service provider.

- (3) A reseller or telecommunications service provider using unbundled network elements to provide local service to the public shall have the right to a credit in like amount from the underlying carrier as required in 1220-4-2-.04(1) or (2), if the service interruption or the delay in meeting the committed installation date is the result of actions or inactions of the underlying carrier.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.05                      Customer Security Deposits

- (1) A provider of local service shall not require a security deposit for the establishment of local exchange telephone service other than as provided for in its tariffs on file with the Authority. The maximum amount for a security deposit shall not exceed two (2) times the average monthly tariffed price for local service including regulated optional services and toll service for customers receiving similar service. Toll charges shall not be used to calculate security deposits if the customer agrees to subscribe to a toll blocking service.
- (2) A telecommunications service provider shall refund, with interest as required in paragraph three (3), any security deposit paid by a customer upon the customer having established a satisfactory payment history or when the customer's service is terminated. A satisfactory payment history means that the customer has paid his or her telephone bill on time for ten (10) out of the previous twelve (12) months and has not had service disconnected for non-payment or made payment with a check with insufficient funds.
- (3) Interest shall accrue on security deposits for service at a simple interest rate of no less than six percent (6%) per annum.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.06                      Disconnection of Local Service

- (1) Local exchange telephone service may be denied, discontinued or interrupted for any of the reasons listed below:
  - (a) Non-payment of the local service portion of a customer's bill for telecommunications services, as well as regulated optional services provided by the customer's telecommunications service provider.



- (b) Customer use of equipment in such manner as to adversely affect the telecommunications service provider's ability to provide service to other customers.
  - (c) Customer violation of any state or municipal law, ordinance, approved tariff or regulation pertaining to telephone services.
  - (d) Failure of a customer to provide reasonable access to the equipment of the telecommunications service provider.
  - (e) Unauthorized, unlawful or fraudulent use of telecommunications service.
  - (f) In the event of a condition determined by the local telecommunication services provider to be hazardous or dangerous.
  - (g) Non-payment of bundled telecommunications services offered by a local telecommunications service provider exclusively offering local service on a bundled basis.
- (2) Except for those situations described in 1220-4-2-.06(1)(b),(c) and (f) above, any disconnection of local service requires a ten (10) day prior written notice of the disconnection to the customer.
- (3) The following shall not be grounds for the disconnection or denial of local service:
- (a) Non-payment of toll service or any unregulated charges, including but not limited to yellow page advertising, telephone equipment, Internet service and 900 pay-per-call services, listed on the customer's telephone bill.
  - (b) Delinquency in payment of a previous bill by a present occupant who was delinquent at another address and subsequently joined the household of a customer in good standing.
  - (c) Failure to pay for business service at a different location and different telephone number.
- (4) When disconnecting any customer's local service a telecommunications service provider shall not disconnect local service on a day or a preceding day that the telecommunications service provider's personnel are not available to make

payment arrangements, accept payment and reconnect the customer's local service.

- (5) A customer's local service shall not be disconnected while the Authority is investigating a complaint registered by the customer, relating to the circumstances underlying the potential disconnection, unless authorized by the Authority for good cause shown.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.07 Termination of Service to a Reseller by an Underlying Carrier or Cessation of Service by a Local Telecommunications Service Provider

- (1) Prior to an underlying carrier terminating service to a local or long distance reseller:
  - (a) The underlying carrier shall provide no less than thirty (30) days written notice to the reseller that service will be terminated on a date certain along with the reason(s) for such action.
  - (b) The underlying carrier shall provide to the Authority no less than thirty (30) days written notice of the pending termination of local service along with the reason(s) for such action.
  - (c) The underlying carrier shall provide a soft dialtone, where the service switch is capable, to the customers of the reseller for at least fourteen (14) days following disconnection of the reseller's service, or until the customer selects another provider of local service, whichever is less.
  - (d) The reseller shall notify its customers in writing no less than thirty (30) days prior to the pending termination of its local service, and advise its customers of the need to contact another telecommunications service provider to continue local and/or long distance service after a certain date. The reseller shall also provide any information, if available, that may assist the customer in selecting another telecommunications service provider.
  - (e) The reseller shall refund to its customers any credits due as a result of the termination of service within thirty (30) days of the termination of the service.
- (2) Prior to a local telecommunications service provider ceasing to provide local service to all or any portion of its customers in Tennessee:

- (a) The provider of local service shall provide to the Authority no less than thirty (30) days written notice of the pending cessation of service along with the reason(s) for the action and the number and location of customers affected.
- (b) The provider of local service shall provide its customers no less than a thirty (30) days written notice that service will cease on a date certain along with information, if available, that may assist the customer in selecting another telecommunications service provider.
- (c) The provider of local service shall provide a soft dialtone, where the service switch is capable, to the customers for fourteen (14) days following cessation of service or until the customer receives another provider of local service, whichever is less.
- (d) Any ETC seeking permission from the Authority to surrender its ETC designation shall continue to provide local telecommunications services in Tennessee until its request is approved by the Authority.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.08 Privacy of Customer Information

Telecommunications service providers have a duty to protect the confidentiality of their customers' personal information as defined in 47 U.S.C. § 222(h)(1)(2)(3). Except as expressly allowed by law, telecommunications service providers shall not otherwise disclose any customer's information without prior approval from the customer.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.09 White Page Directories

- (1) Each incumbent local exchange telephone company shall regularly publish, or cause to be published, white page telephone directories which shall contain in at least an 8 point font letter size the name, address and telephone number of all customers, except public telephones and those customers who have notified their telecommunications service provider not to list such information.

- (2) All customers in a local calling area, except those customers who notify their telecommunications service provider that they should be excluded from such listing, shall be listed in a published telephone directory for that area. Each provider of local service shall make available free of charge to its customers a white page telephone directory that contains listings for all customers, except those customers who have notified their telecommunications service provider that they should be excluded, in the customer's local calling area. Directories for areas outside the local calling area shall be made available to the customer at a reasonable cost.
- (3) In the event of a listing error, including the omission of a customer listing, the telecommunications service provider shall provide without charge, upon the request of the customer, an intercept service, provided the number is not in service, for up to one (1) year or until a new white page directory is published, whichever is less.
- (4) The Authority's toll-free telephone number and Internet address as well as any other numbers deemed appropriate by the Authority shall be listed prominently on the first page of the directory. Telecommunications service providers shall not charge the Authority for the listing of the above information.
- (5) Incumbent local exchange telephone companies shall provide the Authority, upon request and without charge, at least one (1) copy of each of its directories at the time of publication.
- (6) White page directories shall contain instructions relative to placing local and long distance calls, calls to repair, billing questions, information services, and the mailing addresses of all TRA authorized local telecommunications service providers operating and serving customers within the directory service area.
- (7) The cover of the directory shall include the name of the telecommunications service provider, the area covered in the directory and the month and year of the issuance of or the intended life of the directory. Information pertaining to emergency calls to the police and fire departments, as well as a description of E911 emergency services, shall appear conspicuously in the front section of the directory.
- (8) Whenever any customer's telephone number is changed after a directory is published, the provider of local service shall, if requested to do so by the customer, intercept all calls to the former number for a reasonable period of time and give the calling party the new number.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

- (1) All telecommunications service providers shall take appropriate measures to meet emergency situations including, but not limited to, electricity failure due to weather conditions and sudden or prolonged increases in network traffic.
- (2) Within 180 days of the effective date of this Chapter, all telecommunications service providers shall satisfy the following:
  - (a) Central offices with installed emergency power generators shall have a minimum of three (3) hours of battery capacity to handle the peak-traffic hours.
  - (b) Central offices without emergency power generators on site shall have a minimum of five (5) hours battery capacity for use during the peak-traffic hours. These offices shall have ready access to portable power generators that can be connected prior to exhaustion of battery capacity.
- (3) In periods of prolonged and massive service outages, telecommunications service providers may limit local service to providers of essential services such as the police, fire and other emergency service providers.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

- (1) After the construction of plant by either the telecommunications service provider or its contractors, it is the duty of each telecommunications service provider to restore the construction site within a reasonable period of time to the condition in which it existed prior to construction.
- (2) Telecommunications service providers shall comply with the “Underground Utility Damage Prevention Act,” as codified by Tenn. Code Ann. § 65-31-101 *et seq.*
- (3) Telecommunications service providers shall comply with all local, state and federal construction standards and codes.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114, 65-31-101 through 65-31-113.

1220-4-2-.12 Customer Complaints

- (1) Each telecommunications service provider shall make a full and prompt investigation of customer complaints made either directly to it or through the Authority.
- (2) Each telecommunications service provider shall within ten (10) working days after receipt of a consumer complaint forwarded by the Authority file a written or electronic response with the Authority. This response shall state the telecommunications service provider's position regarding the complaint and actions taken to resolve the complaint. The time for filing this response may be extended by the Authority, upon request, for good cause shown.
- (3) Each telecommunications service provider shall make a good faith effort to cooperate with the Authority in resolving customer complaints.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.13 Accuracy Requirements

All meters or recording devices used by telecommunications service providers to prepare customers' bills shall be in proper working order and shall render accurate readings. Each telecommunications service provider shall retain sufficient records to substantiate compliance with this rule.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.14 Payment for Services

- (1) Each telecommunications service provider shall provide a variety of bill payment options to its customers including payment by check, money order and credit card.
- (2) Any partial payment of a bill by a customer shall be applied first toward the payment of charges for local service.
- (3) A telecommunications service provider's under or over billing of tariffed charges may be recovered from or refunded to their end user customers no more than two (2) years for previous service charges.
- (4) Each telecommunications service provider shall allow each customer at least twenty (20) days from the date of the customer's bill to pay the balance before such bill is considered delinquent.

- (5) After a bill is considered delinquent, a written notice shall be mailed to the customer no less than ten (10) days prior to disconnection of local service for non-payment of a bill. Such notice shall inform the customer that his or her service is subject to disconnection by a date certain unless payment is received.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.15 Adequacy of Service

Each ETC shall ensure that adequate service is provided to its customers by properly maintaining its network facilities and implementing necessary engineering and administrative procedures.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.16 Service Obligations for Eligible Telecommunications Carriers

- (1) The following requirements apply to all ETCs offering service in the State of Tennessee. An ETC shall not be responsible for failure to comply with these requirements to the extent that such failure is caused by acts of God, or the action of third parties who are neither owned, under contract, or controlled by the ETC, or the negligent or willful act of the customer. Nor shall the ETC be responsible for such failure in any exchange in which a declaration of a natural disaster or state of emergency has been issued by a federal, state or local authority during any applicable measurement period. An ETC shall not be responsible for failure to comply with these requirements when such failure results from the failure of the customer to provide reasonable access to the Network Interface Device.
- (2) An ETC shall provide an adequate level of service to all of its customers. Service adequacy shall include the following requirements:
  - (a) Access lines providing voice grade basic service shall be capable of carrying data speeds effectively not less than 14.4 kilobits per second when requested by the customer. For good cause shown, an ETC may obtain a waiver from the Authority of this requirement for a specific situation.
  - (b) Within all exchanges, the installation of primary service orders, where the construction of facilities is not required, shall be completed within an average time of three (3) working days, as

measured on a monthly basis. The service orders where the customer requests a date greater than three (3) working days shall not be counted in the monthly average.

- (c) Where construction of facilities is required, not less than ninety percent (90%) of primary service orders within an exchange shall be completed within thirty (30) calendar days, as measured on a monthly basis. The service orders where the customer requests a date greater than thirty (30) calendar days shall not be counted in the percentage. In the instance of any order for primary service where construction of loop facilities is required that cannot be completed within thirty (30) days, the ETC shall notify the Authority in its quarterly service standard report the number of such incidents by exchange by month.
- (d) An ETC shall fulfill no less than ninety-five percent (95%) of its commitments to provide primary service on a date certain within an exchange as measured on a monthly basis.
- (e) An ETC that serves an exchange that has greater than 14,000 access lines shall have no more than four (4) trouble reports per 100 access lines in any such exchange as measured on a monthly basis.
- (f) An ETC that serves an exchange that has between 3,000 and 14,000 access lines shall have no more than five and one-half (5.5) trouble reports per 100 access lines in any such exchange as measured on a monthly basis.
- (g) An ETC that serves an exchange that has less than 3,000 access lines shall have no more than seven (7) trouble reports per 100 access lines in any such exchange as measured on a monthly basis.
- (h) At least ninety percent (90%) of out-of-service trouble reports as measured on a monthly basis by exchange shall be restored within thirty (30) hours.
- (i) No more than fifteen percent (15%) of out-of-service trouble reports as measured on a monthly basis by exchange shall be instances in which loss of service is due to the same cause reported and resolved in the previous thirty (30) days.
- (j) Ninety-eight percent (98%) of calls within a quarter shall be completed without failure, as measured on a statewide basis.
- (k) A dialtone shall be provided within three (3) seconds on ninety-nine percent (99%) of calls within each exchange.



- (l) Each ETC shall provide sufficient facilities to accommodate realistic forecasted growth projections in access lines within each exchange.
- (m) Each ETC shall provide payment centers in convenient locations, as determined by the Authority, where customers can pay in person for telephone service.
- (n) Each ETC shall provide adequate means whereby its customers can contact repair service personnel at all hours.
- (o) Unless otherwise exempted as described in (o)(4) below, calls to the telephone numbers listed in the white page directory for an ETC's directory assistance, business office, and repair service during normal business hours shall be answered and measured on an aggregated quarterly statewide basis, as follows:
  - 1. When an ETC utilizes a live attendant to answer calls, the ETC shall maintain an average speed of answer time of forty-five (45) seconds as calculated on a monthly basis. The speed of answer time shall be calculated beginning when the call arrives at the ETC's automatic call distributor or PBX and ending when the caller reaches a live attendant.
  - 2. When an ETC utilizes an automated interactive answering system (hereafter referred to as "system") to answer such calls, the initial recorded message shall not contain any marketing or promotional information. At any time during the automated call, the customer shall be placed in queue for live assistance if the customer either elects the option for live assistance or fails to interact with the system for a period of time of forty-five (45) seconds following any prompt. Once the customer is placed in queue for live assistance, the ETC shall maintain a forty-five (45) seconds average speed of answer for such calls as measured on a monthly basis.
  - 3 The percentage of abandoned calls – customer hang-ups – shall not exceed ten percent (10%) of calls as measured on a monthly basis.
  - 4. An ETC that serves 100,000 or fewer access lines in the state and does not already have equipment installed necessary to measure answer time as of the effective date of this rule may petition the Authority for an exemption from this

subparagraph. Such exemption may be approved by the Authority and shall be in effect until one of the following conditions are met:

- (i). The ETC serves more than 100,000 access lines;
- (ii). The ETC elects and is granted price regulation status pursuant to Tenn. Code Ann. § 65-5-209;
- (iii). The ETC installs equipment capable of measuring answer times; or
- (iv). The Authority receives twenty-five (25) consumer complaints concerning slow answer time against the ETC within any twelve (12) month period of time.

(3) Carrier of Last Resort

Incumbent local exchange carriers have carrier of last resort obligations within their service area existing prior to June 6, 1995. Relinquishment of carrier of last resort obligations requires the approval of the Authority after consideration of how such relinquishment may affect the public interest.

(4) ETCs shall comply with all federal and state requirements.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

(1) Scope of Quality of Service Mechanisms

- (a) The Authority recognizes the importance of quality telephone service to the economic well being of Tennessee. Customer expectations for quality telephone service must not be compromised as the State moves toward a more competitive environment for local telephone service. To maintain quality telephone service for all consumers, the Authority has designed Quality of Service Mechanisms ("QSMs"). QSMs require ETCs to compensate their customers within the affected exchange(s) for failing to provide an established level of service quality within a reasonable time. The respective QSMs shall be automatically triggered by the ETC within the exchange where the ETC violates any of the provisions of Chapter 1220-4-2-.16(2)(b),(c),(e),(f),(g),(h) or (i) during any three (3) months within a calendar year. The consequences of the QSMs shall be applicable within two (2) months following the third (3<sup>rd</sup>) month that the ETC fails to meet the standards listed in the subparagraphs mentioned above. The ETC shall notify the Authority in writing ten (10) business days prior to such applicability.
- (b) QSMs shall not apply to instances of service failure that are attributable to acts of God, or the action of third parties who are neither owned, under contract, or controlled or contracted by the ETC, or the negligent or willful act of the customer. Nor shall the ETC be responsible for such failure in any exchange in which a declaration of a natural disaster or state of emergency has been issued by a federal, state or local authority during any applicable measurement period. An ETC shall not seek recover of the cost of QSMs from its ratepayers. QSMs are not intended to limit ETCs from providing higher levels of compensation to their customers for failure to provide timely and quality service.

(2) Installation of Primary Service Orders

- (a) Where facilities are available, an ETC shall waive 100% of the cost of installing primary service if the service order is not completed within three (3) business days, unless the customer requests a later installation date.

- (b) An ETC shall credit the affected customer an amount equal to \$5.00 per day for every day over either three (3) business days, or the date requested by the customer, that the customer's primary service order is not completed up to a maximum of forty (40) days or \$200.
- (c) If the Authority finds that an ETC is knowingly not accepting orders for primary service within its franchise area, the ETC may have its state universal service support withheld for the affected exchange until orders are accepted. Any state support withheld will be submitted to the ETC once compliance with this paragraph is verified.

(3) Customer Trouble Reports

In any exchange where the standard in 1220-4-2-.16(e),(f) or (g) is exceeded for three (3) months within a calendar year, an ETC shall issue to each customer that filed a trouble report during the third month in which the standard is exceeded a credit in the amount of one-half of the customer's monthly basic service charge. The per-customer credit shall continue for each month that the standard is exceeded until the standard is not exceeded for three (3) consecutive months. Such credit shall be issued in compliance with 1220-4-2-.17(a).

(4) Out-of-Service Clearing Time

An ETC shall credit \$10.00 per day to the bill for local service of each affected customer if the out-of-service clearing time exceeds thirty (30) hours.

- (5) An ETC that has triggered QSMs shall submit to the Authority a monthly summary of information providing the number of customers within an exchange receiving the credits specified in this rule as well as any other information required by the Authority.
- (6) The remedial actions mandated by paragraphs (2),(3),(4) and (5) shall remain in effect until the ETC satisfies the service requirements within the particular exchange for three (3) consecutive months.
- (7) An ETC may petition the Authority within thirty (30) days following the third (3<sup>rd</sup>) month that the ETC fails to meet the standards listed in the subparagraphs mentioned above for a waiver or variance of QSMs for good cause. The petition shall outline the specific reasons why the Authority should grant the petition.

- (8) The failure to provide any automatic credit as provided in this rule shall constitute a separate and distinct violation of this rule.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

1220-4-2-.18 Lifeline and Link-up

ETCs shall offer Lifeline and Link-up in accordance with the following:

(1) Eligibility Requirements

- (a) A Tennessee resident who demonstrates that he or she is currently receiving or eligible to receive one of the following public assistance benefits shall be automatically eligible for the Telephone Assistance Program:

1. Food stamps;
2. Medicaid (not TennCare);
3. Supplemental Security Income (SSI);
4. Temporary Assistance to Needy Families (TANF);
5. Low-income Home Energy Assistance Program (LIHEAP);
6. Federal Public Housing Assistance; or
7. Any other program or service certified by the Authority to assist low-income citizens.

- (b) Upon referral to and verification by the Authority, a Tennessee resident who can provide a Social Security number or other proof of United States citizenship or authorization to be in the United States and can demonstrate that his or her total household income is equal to or less than 125% of the Federal Poverty Level Guideline shall also be eligible for the Telephone Assistance Programs.

(2) Enrollment Procedures

- (a) Each local telecommunications service provider that offers Lifeline and Link-up shall accept and act on requests from applicants to provide the telephone assistance program in a timely manner.
- (b) Each local telecommunications service provider shall take reasonable steps to verify that an applicant meets at least one of the qualifications listed in 1220-4-2-.18(1)(a)1-7.

- (c) An applicant determined eligible for Link-up is automatically eligible to receive Lifeline and shall be notified as such by the provider of local service that is providing the telephone assistance program.
- (d) In the event of a dispute between the provider of local service and the applicant regarding whether the applicant meets the qualification criteria, the provider of local service shall inform such applicant of the applicant's right to refer the dispute to the Authority for resolution.

(3) Semi-Annual Verification Procedures

Each local telecommunications service provider that offers Lifeline and Link-up shall verify at least twice a year through the Tennessee Department of Human Services that its customers utilizing the telephone assistance program continue to meet the qualification criteria embodied in this rule.

(4) Notification Procedures for Discontinuing Lifeline

Each local telecommunications service provider shall provide Lifeline customers a thirty (30) day notice that such customers no longer meet the qualification criteria for the telephone assistance program, and shall inform the applicant of his or her right to dispute such determination to the Authority for resolution. Such notice shall be in written form and shall disclose appeal rights to the Authority of any decision to terminate Lifeline, including the right that the Lifeline credit will continue until the Authority resolves the dispute.

(5) Lifeline Support Credits and Allowable Charges

- (a) Each local telecommunications service provider that offers Lifeline and Link-up shall provide the full federal and state credit amounts, as reflected in Authority approved tariffs, to its eligible customers.
- (b) Lifeline credits shall not exceed the charge for local service.
- (c) Lifeline recipients shall not be assessed a fee for local number portability by telecommunications service providers.
- (d) Lifeline recipients shall not be assessed a charge for toll blocking by telecommunications service providers.

- (e) A local telecommunications service provider shall not assess a qualified Lifeline customer a security deposit if the applicant agrees to subscribe to a toll blocking service.
  - (f) A local telecommunications service provider shall provide the same directory assistance call allowance to Lifeline customers as they provide to non-Lifeline customers.
  - (g) A local telecommunications service provider shall not assess a late payment penalty charge to Telephone Assistance Program recipients.
- (6) Link-up Support Credits
- (a) A qualified recipient shall receive a credit for installing new or moving existing service as provided for by the Federal Communications Commission.
  - (b) A customer who has paid full installation charges for service and who qualified for Link-up support at the time of installation may receive the Link-up credit provided the customer notifies the provider of local service within sixty (60) days from the date of the completion of the service order. Such credit shall be applied to the customer's bill within a period of two (2) months from the time of the notification.
  - (c) The purchase or installation of telephone equipment, such as the wiring of telephone jacks, does not qualify for Link-up support.
- (7) Educational Outreach Efforts
- (a) Each telecommunications service provider that offers Lifeline and Link-up shall establish a consumer outreach education plan, in coordination with the Authority, that will be aimed at informing the low-income population within its service area of the availability of the Telephone Assistance Programs.
  - (b) At the time of a request for installation of new local service or the transfer of existing local service, a provider of local service offering Lifeline and Link-up shall inform those residential customers of the availability of Telephone Assistance Programs and how to receive the discounts. A copy of the script used by telecommunications service providers shall be made available to the Authority upon request
- (8) Lifeline and Link-up Reporting Requirements

- (a) Each local telecommunications service provider that offers Lifeline and Link-up shall provide semi-annual status reports to the Authority stating the number of customers receiving the benefits of the telephone assistance program.
- (b) Each local telecommunications service provider shall file other reports as required by the Authority in order to ensure compliance with this rule.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.19 Violations and Penalties

It is a requirement of the Authority that all telecommunications service providers comply with all state statutes under the Authority's jurisdiction. Violation of the provisions of this Chapter shall be subject to the provisions of Tenn. Code Ann. § 65-4-120.

Statutory Authority : T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.

#### 1220-4-2-.20 Severability Provision

If one or more of the term(s) or provision(s) of this Rule or the applications thereof, to any extent, are held to be invalid or unenforceable, then the remainder of this Rule shall not be affected thereby.

Statutory Authority: T. C. A. §§ 65-2-102, 65-4-104, 65-4-106, 65-4-117, 65-4-119, 65-4-120, 65-4-123, 65-4-124, 65-5-207, 65-21-114.